

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHANNON LOCKRIDGE,

Petitioner,

v

Case No. 09-10145

NICK J. LUDWICK,

DISTRICT JUDGE ARTHUR J. TARNOW

Respondent.

MAG. JUDGE PAUL J. KOMIVES

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is Magistrate Judge Komives' Report and Recommendation [Docket #11] filed November 30, 2009. The Magistrate Judge recommends that this Court grant petitioner's motion to hold the petition in abeyance and then deny the respondent's motion to dismiss as moot. No objections were filed.

Having reviewed the file, the Court **ADOPTS** the Report and Recommendation.

Accordingly, petitioner's motion to hold the petition in abeyance [Docket #10] is **GRANTED** and this case is **STAYED** conditioned on petitioner's (1) commencing state court proceedings on his unexhausted claims within 30 days of this order, and (2) returning to this Court and seeking a lifting of the stay within 30 days of the conclusion of the state court proceedings.

It is further ordered that the respondent's motion to dismiss [Docket #6] is **DENIED** as moot.

To avoid administrative difficulties, the Court **ORDERS** the Clerk of Court to **CLOSE** this case for statistical purposes only. Nothing in this order or in the related docket entry shall be considered a dismissal or disposition of this matter. *See Sitto v. Bock*, 207 F. Supp. 2d at 677.

s/Arthur J. Tarnow
Arthur J. Tarnow
United States District Judge

Dated: December 28, 2009

I hereby certify that a copy of the foregoing document was served upon parties/counsel of record on December 28, 2009, by electronic and/or ordinary mail.

s/Catherine A. Pickles
Judicial Secretary